

Nine people can change the meaning of freedom, alter the power of a president, decide whether a criminal conviction stands, determine how elections may be conducted, and redefine the boundary between government authority and individual choice. They do not command soldiers, collect taxes, write the nation's budget, or pass legislation. Their power comes through written judgments—carefully reasoned at times, bitterly disputed at others, and occasionally recognized by later generations as terribly wrong. This unusual institution is the Supreme Court of the United States, the highest court in the federal judicial system and one of the most powerful courts anywhere in the world.

A supreme court is a court from which there is ordinarily no higher judicial appeal. The United States has one national Supreme Court, but every state also has a highest court for questions of state law. These are different institutions. The Supreme Court of the United States mainly decides questions involving the federal Constitution, federal laws, treaties, and conflicts that fall within federal judicial authority. It does not supervise every legal disagreement in the country, and it cannot take over a case merely because the justices find it interesting or believe a lower court made an ordinary mistake.

The story begins with a weakness in the first American government. Under the Articles of Confederation, which governed the United States before the Constitution took effect, there was no permanent national judicial branch comparable to the federal court system that exists today. States could interpret obligations differently, and the national government lacked an effective way to produce uniform answers to many legal disputes. The Constitution's framers wanted a government strong enough to function across state lines, but they also feared concentrated power. Their solution was to divide federal authority among a legislature that writes laws, an executive that administers and enforces them, and a judiciary that resolves legal cases.

Article III of the Constitution creates the judicial branch in remarkably few words. It places the federal judicial power in "one supreme Court" and permits Congress to establish lower federal courts. That means the Constitution itself requires a Supreme Court, but district courts and courts of appeals exist because Congress created and organized them through legislation. Article III also describes the categories of cases federal courts may hear and protects federal judges' compensation from being reduced while they remain in office. The constitutional text leaves much of the judiciary's actual structure for Congress to build.

That decision produced a delicate balance. Judges needed independence so they could reject an unconstitutional act even when the president, Congress, or public favored it. At the same time, unelected judges exercising permanent authority could become distant from the people whose lives they affected. Supporters of the Constitution believed judicial independence would protect the law from temporary political passions. Critics feared that federal judges would gradually enlarge national power and substitute their judgment for the people's will. More than two centuries later, arguments about the Supreme Court still grow from that original tension.

The Judiciary Act of 1789 gave the new judicial branch its working form. Congress created district courts, circuit courts, and a Supreme Court consisting of Chief Justice John Jay and five associate justices. The Court first assembled in New York in 1790, although only four justices were present. It later met in Philadelphia and then in the United States Capitol after the federal government moved to Washington. The justices did not receive their own building until 1935, which reminds us that the institution's enormous modern status was not visible at its beginning.

Early Supreme Court justices also performed circuit riding. They traveled long and difficult routes to sit with local judges in federal circuit courts, sometimes hearing arguments in conditions far removed from the dignity now associated with the Court. The work was physically exhausting, and the early Supreme Court did not immediately command the respect it possesses today. John Jay eventually left the chief justiceship and later declined an offer to return. The judicial branch existed, but its position within the national government had not yet been fully established.

The Constitution does not require nine justices. Congress determines the Court's size and changed it several times during the nineteenth century, sometimes for administrative reasons and sometimes during political struggles over appointments and presidential power. The Court began with six seats, later moved through several totals, and has had nine since 1869. One serves as chief justice and the other eight as associate justices. Changing the number again would require federal legislation, not a constitutional amendment, although such a move would provoke a serious political argument over the Court's independence and legitimacy.

The chief justice is not the boss of the other justices in the ordinary workplace sense. Every justice has one vote when deciding a case. The chief justice presides over oral arguments and private conferences, handles certain administrative responsibilities, and leads the federal judiciary in several institutional matters. When the chief justice votes with the majority, the chief decides who will write the Court's opinion; otherwise, that assignment is made by the most senior associate justice in the majority. The chief justice also presides over a Senate impeachment trial when the president of the United States is being tried.

As of August 2026, the Court consists of Chief Justice John Roberts and Associate Justices Clarence Thomas, Samuel Alito, Sonia Sotomayor, Elena Kagan, Neil Gorsuch, Brett Kavanaugh, Amy Coney Barrett, and Ketanji Brown Jackson. Jackson became the first Black woman to serve on the Supreme Court, joining an institution that once declared Black people outside the political community protected as citizens. Thomas is the second Black justice in the Court's history, following Thurgood Marshall. Sotomayor is the first Hispanic justice, while Sandra Day O'Connor, who retired in 2006, was the first woman to serve. [The Court maintains the current membership and official biographies on its website.](#)

No age, educational degree, citizenship period, or previous judicial experience is specifically required by the Constitution for a Supreme Court justice. A person does not technically have to be a lawyer, although every modern nominee has possessed extensive legal experience. When a vacancy occurs, the president chooses a nominee and sends the nomination to the Senate. The Senate Judiciary Committee normally investigates the nominee, reviews the record, conducts public hearings, and votes on whether to report the nomination to the full Senate. Confirmation now requires a simple majority of senators voting, after which the appointee takes the required oaths and begins serving.

The hearings receive enormous attention because a confirmation is not an appointment for a fixed number of years. Article III says federal judges hold office during “good Behaviour,” which has been understood as life tenure unless they resign, retire, die, or are removed through impeachment. Life tenure protects a justice from being fired for issuing an unpopular decision. It also allows one presidential election and one Senate majority to shape constitutional law for several decades. A president is therefore not merely filling a government job; that president may be influencing legal questions that will arise long after leaving office.

Removal is intentionally difficult. The House of Representatives may impeach a justice, which is similar to bringing formal charges, and the Senate may remove that justice by a two-thirds vote after a trial. Justice Samuel Chase was impeached by the House in 1804 but acquitted by the Senate, and no Supreme Court justice has ever been removed through this process. Impeachment was not designed as a tool for removing judges simply because Congress dislikes their rulings. If it became an ordinary response to disagreement, judicial independence would disappear because every controversial decision could threaten a justice’s position.

The federal court system beneath the Supreme Court has two main levels. Federal district courts are trial courts, where lawsuits begin, evidence is introduced, witnesses may testify, juries may determine facts, and judges apply the law. Above them are the federal courts of appeals, arranged into regional circuits and one specialized federal circuit. Appeals courts generally review whether the trial was conducted according to law; they do not ordinarily repeat the entire trial or hear new witnesses. The Supreme Court sits above this structure, but most federal cases end without ever reaching it.

A lawsuit reaches federal court only if the court has jurisdiction, meaning lawful authority to hear that kind of dispute. Federal jurisdiction may exist because the case arises under the Constitution or a federal statute, because the United States is a party, or because it fits another category authorized by the Constitution and Congress. Some civil cases between citizens of different states can enter federal court through diversity jurisdiction, provided statutory requirements are satisfied. The Supreme Court does not acquire power over every detail merely because a case began in federal court. A dispute still must present an issue that the Court is legally permitted and willing to review.

The Court possesses both original and appellate jurisdiction. Original jurisdiction means a case begins in the Supreme Court rather than arriving after a lower court has ruled. The Constitution places certain cases involving ambassadors and those in which a state is a party within this category, although federal statutes determine important details about when that jurisdiction is exclusive or shared. Disputes between states over borders, water, or other sovereign interests are leading examples. These cases are unusual and may require the Court to appoint a special master—an experienced lawyer or judge who gathers evidence and recommends findings.

Appellate jurisdiction is the authority to review the judgment of another court. This is how nearly all important Supreme Court cases arrive. A federal case may move from a district court to a court of appeals and then be presented to the Supreme Court. A case from a state's highest court may also reach the Supreme Court if it contains a genuine federal question, such as the meaning of a constitutional protection. The Supreme Court cannot generally review a state court merely because it disagrees with that court's interpretation of the state's own constitution or statutes.

Even when a federal question appears in a state case, another limitation may prevent review. If the state court's judgment rests on an adequate and independent state ground, the result would remain the same regardless of what the Supreme Court said about federal law. "Adequate" means the state ground is sufficient to support the judgment, while "independent" means it does not depend on the disputed federal interpretation. In that situation, a Supreme Court opinion would not change the outcome. Federal courts do not issue advisory essays about law when their decision cannot resolve the actual dispute.

That principle belongs to the Constitution's requirement that federal courts decide "cases" and "controversies." A person ordinarily must have standing, meaning a concrete and personal injury connected to the defendant's conduct that the court can likely remedy. A citizen cannot usually sue simply because that citizen strongly dislikes a government policy. The dispute must also be ripe, meaning developed enough for judicial resolution rather than based on a speculative future harm. If later events eliminate the live disagreement, the case may become moot, although exceptions exist for injuries likely to repeat but end too quickly to receive complete review.

These rules keep the Court from behaving like a council that announces constitutional answers whenever it wishes. The justices cannot wake up, select a law they dislike, and strike it down without a proper case. They must wait for litigants with a legal dispute to reach them through an authorized path. Even then, the Court often decides a narrower issue than the public expects. Lawyers sometimes spend years building a case only to discover that standing, timing, procedure, or another threshold problem prevents the Court from reaching the celebrated constitutional question.

Most parties ask for Supreme Court review by filing a petition for a writ of certiorari. A writ is a formal judicial order, and certiorari is the procedure through which the Supreme

Court directs a lower court to send up the record for review. Lawyers frequently shorten the term and say they are seeking “cert.” The losing party explains the question presented, the relevant facts, the lower court’s ruling, and the reasons the national Court should become involved. The other side may respond, after which the justices consider the request.

At least four justices must vote to grant certiorari under the traditional practice known as the Rule of Four. This rule allows a substantial minority of the Court to secure review without already proving that five justices will ultimately agree with its position. The Court receives roughly 5,000 to 7,000 new filings in a term but grants full review with oral argument in only a small portion, often around eighty. The justices are not simply selecting the eighty most painful injustices. They are primarily choosing disputes that raise important federal questions, divide lower courts, challenge significant government action, or require clarification of Supreme Court precedent. The Court’s own explanation of its work shows how selective this process is.

When federal courts of appeals disagree about the meaning of the same law, lawyers describe the disagreement as a circuit split. Imagine that a federal statute protects workers in one way in the Fifth Circuit but is interpreted differently in the Ninth Circuit. People would then possess different federal rights depending on where they lived. The Supreme Court often takes such cases to create a uniform national rule. It may also review a state court that appears to have rejected controlling federal precedent or a lower federal court that has decided a major constitutional question.

A denial of certiorari does not mean the Supreme Court approves the lower court’s reasoning. It does not establish a national precedent, settle the issue forever, or prove that the petition lacked merit. Fewer than four justices may have wanted the case, the factual record may have been poor, the issue may have needed more development in other courts, or a procedural problem may have made the dispute a bad vehicle. The lower judgment remains in place, but the Supreme Court has usually said nothing about whether it was correct. This distinction prevents a common misunderstanding of Court orders.

Once review is granted, both sides file merits briefs. A brief is a written legal argument that organizes the facts, identifies governing law, discusses earlier decisions, and explains the result the writer believes the Court should reach. The petitioner is generally the party asking the Court to reverse or change the judgment below, while the respondent defends that judgment. The justices and their law clerks study these briefs alongside the lower-court record. Because appellate courts usually do not retry facts, the way the case was developed at the trial level can determine what is available for the Supreme Court to consider.

Other people and organizations may file amicus curiae briefs. Amicus curiae means “friend of the court,” although an amicus is not necessarily neutral. Civil-rights groups, businesses, scholars, religious organizations, professional associations, states,

members of Congress, and the federal government may present legal arguments or explain how a possible ruling would operate outside the immediate dispute. These briefs can supply history, scientific information, industry knowledge, or practical consequences that the parties did not fully develop. They can be useful, but their volume also shows how Supreme Court litigation attracts political and institutional forces far beyond the named parties.

Oral argument is the most visible stage, but it is not a trial and rarely includes dramatic speeches uninterrupted by the bench. Lawyers normally receive limited time and are questioned closely by the justices. A justice may test a proposed rule with a hypothetical example, ask whether the lawyer's position conflicts with precedent, or explore how far the reasoning would extend. The questions do not always reveal the final vote because a justice may challenge the position that justice eventually supports. Oral argument matters, but the written record and briefs have already done much of the work.

After argument, the justices meet privately in conference. No law clerks, reporters, cameras, or members of the public are present. The chief justice speaks first, followed by the associate justices in order of seniority, and an initial vote is taken. If the chief justice belongs to the majority, the chief assigns the majority opinion; otherwise, the most senior justice in that majority makes the assignment. Drafts circulate among the chambers, justices suggest revisions, separate opinions develop, and votes can change before the decision is released.

An opinion must be read carefully because several justices may agree about the result without agreeing about the reason. A majority opinion speaks for more than half of the participating justices and establishes the controlling rule. A concurring opinion agrees with the judgment but offers different or additional reasoning. A dissent explains why a justice believes the Court reached the wrong result. If no single rationale receives five votes, a plurality opinion may state the reasoning of the largest group without commanding a true majority, which can make the binding rule difficult to identify.

A per curiam opinion is issued in the name of the Court rather than signed by an individual justice. Such opinions are sometimes brief and unanimous, but neither quality is guaranteed. The Court may also summarily reverse a lower court without the usual full briefing and oral argument when it believes the error is sufficiently clear. At the beginning of a published decision, the Reporter of Decisions prepares a syllabus summarizing the case. The syllabus is helpful, but it is not itself part of the Court's opinion and should not replace reading the actual reasoning.

The judgment tells what happens to the case. If the Court affirms, it leaves the lower court's judgment in place. If it reverses, it concludes that the lower court reached an incorrect legal result. If it vacates, it sets the judgment aside, often so the lower court can reconsider the case under a newly clarified rule. A remand sends the matter back for further proceedings. Winning at the Supreme Court therefore does not always mean

receiving money, freedom, or a final victory that day; it may mean earning another round of litigation under a different legal standard.

The reasoning matters beyond the immediate parties because American law relies heavily on precedent. A precedent is an earlier judicial decision that guides later cases involving similar legal questions. *Stare decisis*, meaning “to stand by things decided,” reflects the belief that law should remain stable enough for people and institutions to organize their affairs. Lower courts are bound by controlling Supreme Court decisions on federal law, a relationship known as vertical precedent. The Supreme Court treats its own past decisions with respect but retains the power to overrule them.

Not everything written in an opinion carries equal force. The holding is the legal rule necessary to resolve the case. Dicta are observations that may be persuasive but were not necessary to the judgment. Separating holding from dicta can be difficult because judges disagree about how broadly a case should be understood. One side may describe a precedent as establishing a general constitutional principle, while the other describes it as a narrow ruling tied to unusual facts. Much of legal argument involves deciding what an earlier case truly settled.

*Stare decisis* is not an absolute command. If it were, the Court could never correct a constitutional error. The justices may examine the quality of the earlier reasoning, its consistency with related law, whether the rule has proved workable, how later legal developments have weakened it, and whether people have built serious reliance around it. The weight assigned to those considerations is disputed, which is why one justice may view overruling as necessary correction while another sees it as judicial instability. A precedent can be old and still wrong, but declaring it wrong does not erase the disruption caused by abandoning it.

Statutory and constitutional precedents are sometimes treated differently. If the Court interprets a federal statute incorrectly, Congress can often amend the statute and correct the interpretation through ordinary legislation. Correcting a constitutional ruling is harder because Congress cannot simply pass a law overriding the Constitution as the Court has interpreted it. A constitutional amendment or a later Supreme Court decision is usually required. For that reason, some justices argue that constitutional precedents deserve less protection from reconsideration, while others answer that constitutional stability is especially important because correction through the political process is so difficult.

The Court’s most famous power—judicial review—is not stated in Article III through a sentence saying, “The Supreme Court may strike down laws.” Judicial review means that courts may refuse to enforce government action that conflicts with the Constitution. The idea had roots in constitutional structure, legal practice, state cases, and debates surrounding ratification, but the Supreme Court’s authority became firmly associated with *Marbury v. Madison* in 1803. Chief Justice John Marshall’s opinion established that

interpreting law includes determining which rule governs when an ordinary statute conflicts with the superior Constitution.

The dispute in *Marbury* grew from a hurried group of appointments at the end of President John Adams's administration. William Marbury had been appointed a justice of the peace, but his commission was not delivered before Thomas Jefferson became president. Marbury asked the Supreme Court to issue a writ of mandamus ordering Secretary of State James Madison to deliver it. Marshall concluded that Marbury had a legal right to the commission and that the law ordinarily offered a remedy. Yet the Court held that Congress had attempted to give it original jurisdiction beyond what Article III permitted, making that portion of the Judiciary Act unenforceable.

Marshall's solution was politically shrewd. He criticized the Jefferson administration and claimed the power of judicial review, but he denied Marbury the order that the administration might have refused to obey. The Court surrendered the immediate remedy while strengthening its long-term constitutional position. *Marbury* did not make the judiciary superior to every branch in all matters. It established that the Constitution controls when a law governing a proper case cannot be reconciled with it.

Under Marshall, the Court also strengthened national power. In *McCulloch v. Maryland*, it upheld Congress's authority to create a national bank even though the Constitution does not expressly use the words "national bank." The opinion reasoned that Congress possesses implied powers—authority reasonably connected to carrying out its enumerated powers—and held that Maryland could not tax the federal institution. In *Gibbons v. Ogden*, the Court interpreted Congress's power over interstate commerce broadly enough to invalidate a conflicting steamboat monopoly. These cases helped transform the Constitution from a loose arrangement among states into the legal foundation of a functioning national government.

The Court's authority nevertheless depends upon cooperation. It has no army to enforce its judgments and no independent treasury from which to fund a national response. Lower courts must follow its decisions, government officials must comply, and the public must continue treating its judgments as law even when particular outcomes are unpopular. Presidents and states have sometimes resisted judicial authority, directly or indirectly. The Court's strength therefore rests partly on reasoning, tradition, institutional trust, and the willingness of the rest of the constitutional system to honor judicial decisions.

That dependence has never prevented the Court from inflicting enormous harm. In *Dred Scott v. Sandford* in 1857, the Court ruled against an enslaved man who argued that residence in free territory had made him free. Chief Justice Roger Taney's opinion declared that Black people descended from those brought to America and enslaved were not included among the citizens contemplated by the Constitution and therefore could not claim federal citizenship in the manner Scott asserted. The Court also held that Congress lacked power to prohibit slavery in the federal territories, striking down the

Missouri Compromise. Instead of resolving the national conflict over slavery, the decision discredited the Court and pushed the country closer to civil war.

The Civil War Amendments rejected the constitutional order that supported slavery. The Thirteenth Amendment abolished slavery except as punishment for crime, the Fourteenth established national citizenship and prohibited states from denying due process or equal protection, and the Fifteenth barred racial discrimination in voting by the federal and state governments. These amendments greatly expanded constitutional protection, but their promises depended upon interpretation and enforcement. The Supreme Court often interpreted them narrowly during the late nineteenth century, limiting federal protection as white supremacist governments rebuilt control across the South.

In the *Slaughter-House Cases*, the Court gave a narrow reading to the Fourteenth Amendment's Privileges or Immunities Clause, preventing that clause from becoming the broad protector of civil rights that some of the amendment's supporters had expected. In the *Civil Rights Cases* of 1883, it struck down major portions of the Civil Rights Act of 1875 because the Fourteenth Amendment restricted state action rather than purely private discrimination. In *Plessy v. Ferguson* in 1896, it accepted legally mandated racial separation under the doctrine of "separate but equal." Segregation was rarely equal in reality, and the decision supplied constitutional protection for the Jim Crow system.

This history matters because the Supreme Court is sometimes described as though it naturally stands ahead of society, waiting to rescue minorities from politics. At certain moments it has protected people whom majorities ignored or oppressed. At others it has approved slavery, segregation, forced removal, wartime detention, suppression of workers, and restrictions on citizenship. The black robes do not remove human judgment, background, ideology, fear, prejudice, or error. Constitutional authority can produce justice, but it does not guarantee that the people exercising it will recognize justice in their own time.

The Fourteenth Amendment eventually became the principal bridge between the Bill of Rights and state governments. The Bill of Rights originally restricted the federal government, not the states, as the Court confirmed in *Barron v. Baltimore* in 1833. During the twentieth century, the Court used the Fourteenth Amendment's Due Process Clause to apply most Bill of Rights protections against the states through a process called selective incorporation. "Selective" means the protections were applied one at a time rather than through a single decision incorporating the entire Bill of Rights. This development made constitutional rights meaningful in encounters with state police, prosecutors, schools, legislatures, and local governments.

Due process has both procedural and substantive dimensions. Procedural due process concerns fair methods: notice, a meaningful opportunity to be heard, and a neutral decision-maker before government takes protected life, liberty, or property. Substantive due process asks whether some government action is constitutionally forbidden regardless of how fair the procedure may be. The second idea is more controversial

because the word “process” appears to concern procedure, yet the Court has long used it to protect certain fundamental liberties from government interference. Debates over privacy, family, marriage, contraception, sexual intimacy, and abortion have often traveled through this doctrine.

Equal protection asks whether government has treated similarly situated people differently without sufficient constitutional justification. Courts do not examine every distinction with the same intensity. Most economic and social classifications receive rational-basis review, under which the government generally needs a legitimate purpose and a rational connection between the classification and that purpose. Sex-based classifications usually receive intermediate scrutiny, requiring an important governmental objective and a substantial relationship between the classification and that objective. Racial classifications receive strict scrutiny, meaning the government must show a compelling interest and a narrowly tailored method—a demanding standard that applies even when officials say the classification was adopted for a helpful purpose.

*Brown v. Board of Education* in 1954 rejected state-mandated racial segregation in public schools. The decision was unanimous, which Chief Justice Earl Warren believed was important for the Court’s authority and the country’s reception of the ruling. *Brown* did not emerge because the justices suddenly discovered that segregation was cruel. It followed years of legal strategy led by the NAACP Legal Defense Fund, including work by Charles Hamilton Houston, Thurgood Marshall, and lawyers who attacked the false equality of segregated education case by case. Families, students, teachers, psychologists, historians, and local organizers supplied the human foundation upon which the constitutional argument stood.

Victory in the courtroom did not automatically integrate the schools. In *Brown II*, the Court ordered desegregation with “all deliberate speed,” language that allowed resistant officials to delay compliance. Some school systems closed rather than admit Black children, while governors and mobs attempted to block court orders. Federal judges, civil-rights lawyers, protesters, Congress, and presidents all became necessary to turn constitutional language into lived change. *Brown* shows both the reach and the limits of a Supreme Court decision: the Court can announce a governing rule, but institutions and people must carry it into reality.

The Warren Court, led by Earl Warren from 1953 to 1969, expanded several constitutional protections. *Gideon v. Wainwright* held that states must provide counsel to indigent defendants charged with serious crimes because a fair trial cannot depend entirely on whether the accused can afford a lawyer. *Mapp v. Ohio* applied the exclusionary rule to the states, generally preventing prosecutors from using evidence obtained through unconstitutional searches. *Miranda v. Arizona* required police to advise people in custodial interrogation of rights that include silence and counsel. These cases did not prevent all misconduct, but they changed the rules governing the enormous power of the criminal justice system.

The familiar Miranda warning does not appear word for word in the Constitution. It is a judicially created safeguard intended to protect the Fifth Amendment privilege against compelled self-incrimination during custodial questioning. “Custody” generally means a situation in which a reasonable person would not feel free to end the encounter, while “interrogation” includes questioning or conduct likely to produce an incriminating response. A violation does not automatically dismiss the criminal case; it usually affects whether particular statements may be used. Television has turned the warning into a ritual, but its legal application depends heavily on circumstances.

The Court also changed the meaning of political representation. In *Baker v. Carr*, it allowed federal courts to hear constitutional challenges to legislative districts, helping open the way for the principle commonly expressed as “one person, one vote.” Earlier, some districts with small rural populations possessed the same representation as districts containing many more people. By treating extreme population inequality as a constitutional problem, the Court changed how legislatures were arranged. The ruling also demonstrated how doctrines such as the political-question rule can determine whether courts will enter a dispute at all.

Marriage and family law produced another major line of decisions. *Loving v. Virginia* in 1967 struck down laws prohibiting interracial marriage, recognizing that Virginia’s system was designed to maintain white supremacy. Richard and Mildred Loving did not begin as symbols in a national constitutional campaign; they were a married couple prosecuted for living together in their home state. Their case illustrates how constitutional law is built from actual lives rather than abstract vocabulary. A ruling remembered as a grand statement of equality began with government entering a family’s bedroom and declaring its marriage criminal.

Privacy decisions developed through several constitutional provisions rather than through a single explicit word. *Griswold v. Connecticut* protected married couples’ access to contraception, while later decisions extended contraceptive protection beyond marriage. *Roe v. Wade* recognized a constitutional right to abortion under the Fourteenth Amendment and established a framework limiting state regulation. *Planned Parenthood v. Casey* preserved the central right while replacing much of *Roe*’s framework with an undue-burden test. In 2022, *Dobbs v. Jackson Women’s Health Organization* overruled *Roe* and *Casey*, holding that the federal Constitution does not confer a right to abortion and returning substantial regulatory authority to elected governments.

That sequence teaches more than the history of one issue. It shows that a right recognized by the Supreme Court can later be withdrawn when the Court’s membership and interpretation change. Supporters of *Dobbs* describe it as correcting an unsupported constitutional ruling and restoring democratic authority. Critics describe it as the removal of a long-recognized liberty upon which generations had relied. Whatever position one holds, the legal truth is that constitutional precedent is powerful but not permanent.

Questions concerning sexual orientation followed their own path. In *Bowers v. Hardwick*, the Court upheld a law criminalizing certain private sexual conduct. Seventeen years later, *Lawrence v. Texas* overruled *Bowers* and held that adults possess constitutional liberty in private consensual intimacy. In *United States v. Windsor*, the Court invalidated a federal rule denying recognition to same-sex marriages valid under state law. *Obergefell v. Hodges* then held that same-sex couples have a constitutional right to marry, showing again how rapidly constitutional doctrine can move after long periods of exclusion.

Affirmative action brought equal protection into conflict with attempts to remedy inequality. For decades, the Court permitted limited consideration of race in higher-education admissions while rejecting rigid quotas. In 2023, *Students for Fair Admissions v. Harvard* and its companion case against the University of North Carolina held that the admissions programs before the Court violated equal-protection requirements. The majority reasoned that the programs lacked sufficiently measurable objectives and treated applicants through racial categories. The dissents argued that ignoring race in legal language does not erase racial inequality in lived society.

Voting rights reveal the same pattern of expansion and contraction. The Court helped enforce equal voting principles in some eras, while other decisions narrowed federal protection. In *Shelby County v. Holder* in 2013, it invalidated the formula that determined which jurisdictions needed federal approval before changing voting procedures under the Voting Rights Act. The majority concluded that the old coverage formula no longer reflected current conditions, while the dissent warned that removing preclearance weakened a successful protection against discrimination. Congress retained authority to create a new formula, but political agreement did not follow.

Freedom of speech does not mean every expression is protected in every place and manner. The First Amendment strongly limits government censorship, especially when officials target a viewpoint because they dislike its message. Yet courts still consider threats, fraud, defamation, incitement, government workplaces, schools, military settings, campaign regulation, and restrictions on the time, place, and manner of expression. The Supreme Court has often protected offensive speech because allowing government to punish whatever offends the majority would make unpopular expression the first casualty. It has also struggled to apply principles written in an age of pamphlets to broadcasting, the internet, social media, and privately controlled digital platforms.

Religious-liberty cases involve two constitutional commands that can pull in different directions. The Establishment Clause restricts government establishment of religion, while the Free Exercise Clause protects religious practice from certain government burdens. A policy favoring religion may threaten nonbelievers or minority faiths, while a policy demanding strict separation may exclude religious people from benefits available to others. The Court's approach has changed over time, moving away from some older tests and giving greater attention to history, tradition, neutrality, and equal treatment. The hard cases rarely involve a simple choice between religion and hostility to religion; they involve defining government's proper relationship to a diverse population.

The Second Amendment has undergone a major change in judicial interpretation. In *District of Columbia v. Heller* in 2008, the Court held that the amendment protects an individual right to possess a handgun in the home for self-defense, rather than protecting firearm possession only through organized militia service. The opinion also stated that the right is not unlimited. In *McDonald v. Chicago*, the Court applied that right against state and local governments. *New York State Rifle & Pistol Association v. Bruen* later required many gun regulations to be evaluated through constitutional text and the nation's historical tradition of firearm regulation, creating difficult arguments over which historical periods and analogies should control modern weapons and public conditions.

Presidential power repeatedly reaches the Court because the Constitution grants executive authority without defining every boundary. In *Youngstown Sheet & Tube Co. v. Sawyer*, the Court rejected President Harry Truman's attempt to seize steel mills during the Korean War without congressional authorization. In *United States v. Nixon*, it required President Richard Nixon to comply with a subpoena for recordings, rejecting an absolute claim of executive privilege. These cases stand for the principle that a president is powerful but remains subject to law. The exact boundary becomes harder when national security, foreign affairs, criminal investigation, and the president's core constitutional responsibilities overlap.

That difficulty became especially visible in *Trump v. United States* in 2024. The Court held that a former president possesses absolute immunity from criminal prosecution for actions within the president's exclusive constitutional authority, presumptive immunity for other official acts, and no immunity for unofficial conduct. The majority said some protection was necessary to preserve an energetic and independent executive. The dissenters warned that the ruling placed dangerous portions of presidential conduct beyond ordinary criminal accountability. The case did not declare every act of a president immune; it created a framework requiring courts to classify the conduct and determine what evidence may be considered.

The Court also shapes the power of federal agencies that administer laws concerning health, labor, transportation, finance, communications, immigration, and the environment. Congress often writes broad statutes and leaves agencies to handle technical details, but disputes arise over how much interpretive freedom those agencies possess. For forty years, the rule associated with *Chevron v. Natural Resources Defense Council* instructed courts in certain circumstances to defer to a reasonable agency interpretation of an ambiguous statute. In *Loper Bright Enterprises v. Raimondo* in 2024, the Court overruled that approach and held that judges must exercise their own independent judgment about statutory meaning. Agencies still possess authority delegated by Congress, but ambiguity alone does not automatically transfer interpretive control from courts to administrators.

Some decisions arrive through the emergency docket rather than the familiar cycle of full briefing, oral argument, and a lengthy signed opinion. A party may ask the Court to stay a lower-court order, meaning pause its effect, or seek an injunction preventing action while

litigation continues. Emergency disputes can involve elections, executions, immigration rules, public-health measures, environmental regulations, or conflicts among branches of government. Speed may be genuinely necessary because waiting could make a later victory meaningless. Concern arises when decisions with enormous practical consequences are issued quickly, through brief orders, without a full explanation of the justices' reasoning.

The phrase "shadow docket" is often used critically for these emergency and summary actions, but it can hide important differences among them. Courts have always needed procedures for urgent requests and routine orders. The serious question is whether a particular order temporarily preserves the situation or effectively decides a major controversy without the transparency expected from ordinary review. A stay is technically provisional, yet a temporary order can control events for months and sometimes determine what happens in an election or whether a policy ever takes effect. Procedure may sound less dramatic than constitutional rights, but procedure frequently decides whether those rights can be exercised.

Politics surrounds the Supreme Court because presidents choose the justices, senators confirm them, organizations campaign around vacancies, and constitutional interpretation affects national policy. It would be false to pretend that judicial philosophy has no connection to political values. It would also be too simple to describe every decision as nine politicians voting in robes. Legal texts, precedent, facts, procedural rules, institutional concerns, and professional methods constrain the justices, even though those sources do not always dictate one unavoidable answer. A justice can disappoint the political coalition that supported the nomination because deciding an actual case is not identical to writing a campaign platform.

Labels such as conservative and liberal provide a rough description but not a complete explanation. A conservative justice may favor originalism, limited federal power, broad religious protection, strong gun rights, and skepticism toward expansive agency authority. Yet limiting federal power in one case can conflict with supporting executive power in another, while respect for state authority can collide with enforcing an individual constitutional right. A liberal justice may favor broader equality protections, stronger administrative regulation, and expansive personal liberty, but those commitments can also pull against one another. The cases expose divisions within each philosophy that political labels tend to hide.

Originalism interprets constitutional language by looking to its original public meaning—the way an informed member of the public would have understood the language when adopted. Textualism focuses closely on the ordinary meaning and structure of enacted words, especially in statutes. Living constitutional approaches emphasize that broad constitutional principles must remain capable of governing conditions the adopters could not foresee. Purposive reasoning considers the problem a law was designed to address, while pragmatic reasoning pays close attention to real-world consequences. Justices commonly use a mixture of text, history, structure,

precedent, purpose, and consequences, even when one method dominates their public philosophy.

History does not settle every modern dispute neatly. The Constitution was adopted in a society that excluded women from national voting, tolerated slavery, lacked modern police departments, knew nothing of electronic surveillance, and could not anticipate digital communication or nuclear weapons. Looking to historical meaning may restrain judges from inventing personal preferences, but historical sources can be incomplete, contradictory, or shaped by the exclusions of their period. Allowing broad principles to develop may keep the Constitution workable, but it can also grant judges room to constitutionalize their own values. The argument is not between people who use history and people who ignore it; it concerns how history, text, precedent, and present conditions should relate.

Ethics has become one of the Court's most serious institutional concerns. Justices are subject to federal financial-disclosure requirements and recusal law, which addresses situations in which impartiality might reasonably be questioned or a justice has certain financial or personal connections to a case. Recusal means withdrawing from participation. Unlike a lower-court judge, however, a justice has no higher judicial authority that can replace the justice's individual recusal judgment, and an eight-member Court may divide evenly. In 2023, the justices issued the Court's first formal Code of Conduct, addressing impartiality, outside activities, financial interests, gifts, and related responsibilities. The published code states the ethical principles the justices say govern their conduct.

The code did not end the debate because a written standard and an enforcement system are different things. Critics argue that Supreme Court ethics should include clearer investigative procedures, stronger disclosure, and review outside the individual justice's own decision. Defenders answer that allowing political officials to discipline justices could become a weapon against judicial independence. Both concerns are real: unchecked authority can damage trust, while partisan control over judges can destroy independent judgment. The challenge is creating accountability that does not turn constitutional decisions into grounds for political punishment.

Congress retains meaningful power over the Court but not unlimited power. It determines the number of seats, funds the judiciary, creates lower federal courts, regulates many procedures, and possesses substantial authority over appellate jurisdiction. Congress can rewrite a statute after the Court interprets it, provided the new law remains constitutional. It can propose a constitutional amendment, which requires extraordinary national agreement to become law. It can also investigate administration and ethics, though it may not command the Court to decide a pending case for a particular party.

Constitutional amendments have overturned Supreme Court doctrine. The Fourteenth Amendment repudiated central premises of *Dred Scott* by establishing national citizenship. The Sixteenth Amendment authorized a federal income tax after the Court

invalidated an earlier tax arrangement. The Twenty-Fourth Amendment prohibited poll taxes in federal elections, and later doctrine extended protection further through the Fourteenth Amendment. These examples show that the Supreme Court is final within the ordinary judicial process, but it is not greater than the Constitution itself.

A later Court may also overrule an earlier Court. *Brown* rejected the constitutional legitimacy of school segregation associated with *Plessy*. *West Coast Hotel v. Parrish* helped end the aggressive use of economic due process associated with the *Lochner* era. *Lawrence* overruled *Bowers*, while *Dobbs* overruled *Roe* and *Casey*. The power to correct precedent is also the power to remove it, which is why the identity of the justices matters so much.

Public discussion often treats every Supreme Court ruling as though five or six people simply made a new national law. The reality is more exact. Sometimes the Court invalidates legislation; sometimes it interprets a disputed word in a statute; sometimes it decides that the plaintiff lacked standing; sometimes it sends the case back without resolving the larger issue. A decision may apply nationwide, only to a category of conduct, or initially only to the parties while its reasoning guides future cases. Understanding the remedy is just as important as understanding who received the most votes.

Reading a decision begins with identifying the question presented. The next task is to separate the facts from the political argument surrounding them, because small factual differences can change how a rule applies. Then comes the holding, followed by the reasoning that connected the law to the result. Separate concurrences reveal alternative paths, while dissents identify consequences, historical disagreements, or principles the majority rejected. The vote count tells who prevailed, but it cannot explain what the law now requires.

Supreme Court opinions also deserve to be read with awareness of the people hidden inside case names. *Brown* refers to children and families challenging segregated schools. *Gideon* refers to a poor man who wrote his petition by hand from prison. *Loving* refers to a married couple forced from their home state. *Korematsu* refers to a Japanese American citizen prosecuted for resisting wartime exclusion, and the ruling against him remains a warning about judicial surrender to government claims of necessity. Constitutional doctrine becomes easier to understand when the people who carried the case are restored to the story.

The Court should therefore receive neither automatic worship nor automatic dismissal. Treating every ruling as sacred ignores *Dred Scott*, *Plessy*, and other failures whose consequences were carried by people denied political power. Treating every ruling as mere politics ignores the discipline of legal reasoning, the protection courts have sometimes provided, and the danger of allowing constitutional limits to depend entirely upon temporary majorities. Respecting the institution does not require pretending it is

incapable of injustice. Criticizing a decision does not require pretending that constitutional law has no authority.

A Supreme Court headline becomes clearer once its separate parts are recognized. A denial of certiorari is not an endorsement, a dissent is not law, a temporary stay is not necessarily a final judgment, and a victory may still require years of proceedings after remand. The justices possess extraordinary authority, but they act through cases brought by real people, under rules created by the Constitution, Congress, prior courts, and the Court itself. Their decisions deserve close attention because they can reach into schools, police stations, workplaces, voting booths, homes, prisons, businesses, and families. Citizens understand the Court more honestly when they take its judgments seriously without surrendering their own responsibility to examine what those judgments actually do.